

ORDINANCE
CITY OF NEW ORLEANS

CITY HALL: January 6, 2011

CALENDAR NO. 28,291

NO. _____ **MAYOR COUNCIL SERIES**

BY: COUNCILMEMBER HEAD (BY REQUEST)

AN ORDINANCE to provide for the establishment of a conditional use to permit a prison and related uses in an HI Heavy Industrial District, on Square 600, all Lots (excluding Lots 28 through 31), Square 615, all lots, Square 624, all lots, Square 624-A, all lots, Square 666, all lots, and Square 675, all lots, in the First Municipal District, bounded by Interstate Highway 10, South Broad Street, Perdido Street, and South Jefferson Davis Parkway; and the rescission of Conditional Use Ordinances 10,428 M.C.S., 14,505 M.C.S., 14,648 M.C.S., 14,762 M.C.S., 17,274 M.C.S., and 20,101 M.C.S. (Multiple Municipal Addresses); and otherwise to provide with respect thereto.

WHEREAS, Zoning Docket Number 30/10 was initiated by City of New Orleans, Criminal Sheriff of Parish of Orleans and Law Enforcement District of the Parish of Orleans and referred to the City Planning Commission; and

WHEREAS, the City Planning Commission held a public hearing on this zoning petition and recommended approval, in its report to the City Council dated April 29, 2010 of the conditional use and the rescission of Conditional Use Ordinances 10,428 M.C.S., 14,505 M.C.S., 14,648 M.C.S., 14,762 M.C.S., 17,274 M.C.S., and 20,101 M.C.S. presented in **Zoning Docket Number 30/10**; and

WHEREAS, the recommendation of the City Planning Commission was upheld and the changes were deemed necessary and in the best interest of the City of New Orleans and were granted approval, subject to subject to one (1) waiver and twenty-four (24) provisos, in Motion Number M-10-295 of the Council of the City of New Orleans on July 1, 2010; and

WHEREAS, the Criminal Justice Working Group, established by Executive Order 10-06, has recommended taking the following preliminary actions in an ongoing process to determine the appropriate size of the entire Orleans Parish jail facility.

SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS that conditional use Ordinance Numbers 10,428 M.C.S., 14,505 M.C.S., 14,648 M.C.S., 14,762 M.C.S., 17,274 M.C.S., and 20,101 M.C.S. are hereby rescinded.

SECTION 2. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS that a conditional use to permit a prison and related uses in an HI Heavy Industrial District, on Square 600, all Lots (excluding Lots 28 through 31), Square 615, all lots, Square 624, all lots, Square 624-A, all lots, Square 666, all lots, and Square 675, all lots, in the First Municipal District, bounded by Interstate Highway 10, South Broad Street, Perdido Street, and South Jefferson Davis Parkway (Multiple Municipal Addresses); is hereby authorized and approved, subject to the following waiver and provisos, as specifically set forth herein:

WAIVER:

1. The applicant shall be granted a waiver of Article 15, Section 15.2.1. *Off-Street Parking Regulations for All Districts, Except the CBD Districts and the Vieux Carré Districts* of the Comprehensive Zoning Ordinance, which requires the provision of two hundred six (206) off-street parking spaces, to permit the provision of zero (0) off-street parking spaces, subject to the requirements indicated in the related condition (see proviso 22) pertaining to the future provision of off-street parking on the site.

PROVISOS:

No person shall use any of the properties described herein or permit another to use any of those properties described herein for the use authorized by this ordinance, unless the following requirements are met and continue to be met:

1. The applicant shall resubdivide the petitioned lots into one lot of record.
2. The applicant shall submit revised site plans demonstrating that no permanent structure encroaches upon the Poydras Street right-of-way.
3. The surface parking lot shall be enclosed with perimeter fencing – such as a low masonry chain wall with half metal picket fence above – in order to create a street edge along Perdido Street and the curvilinear South Broad Street/Poydras Service Drive.
4. The applicant shall alter the sallyport window openings at street-level on Perdido Street so that they are larger and more transparent, as long as security is not compromised.
5. In order for the applicant to add additional properties and to add the Templeman I and II facility, the applicant shall be required to amend this Conditional Use ordinance through the City Planning Commission, with Council approval, in accordance with the full Conditional Use process.
6. The applicant shall secure a long-term lease of servitude for existing improvements made upon the Poydras Street right-of-way, including but not limited to the 12-foot concrete security wall between South White and South Lopez Streets, and the paved storage yard area between South Rendon Street and South Jefferson Davis Parkway.
7. The applicant shall include a note on amended site plans stating that all temporary inmate housing, including tent city, but excluding current 400 bed modular units under construction, will be removed and/or closed upon completion of the 1,438 bed facility at the Templeman III & IV site.
 - a. The applicant shall ensure that upon completion, the 1,438 bed facility at the Templeman III & IV site is capable of accommodating any type of prisoner under any jurisdiction. This includes, but is not limited to, state and federal prisoners, inmates that need substance abuse and mental health treatment (except inmates that require acute mental health treatment), female inmates, and prisoners participating in a re-entry program and that the facility is able to provide a variety of programming aimed at reducing recidivism

including, but not limited to, medical care, educational services, including GED preparation, vocational and job training.

b. The applicant shall decommission or demolish the following Orleans Parish Prison facilities upon completion of the 1,438 bed facility at the Templeman III & IV site, unless other appropriate action is taken by the Mayor and/or City Council that is consistent with their authority – House of Detention, Community Correctional Center, Conchetta, South White Street, Templeman V, and the original Temporary Housing Units (Tents). Orleans Parish Prison (OPP) shall only be used as a holding facility to transfer inmates to and from court. The Broad Street facility shall only be used as a work-release facility and shall not contain any additional beds above the 1,438 beds located in the Templeman III & IV facility.

c. The 400-bed modular units currently being constructed shall be decommissioned or demolished no later than 365 days from the date of issuance of a certificate of use and occupancy for the new Templeman III & IV facility.

8. The applicant shall remove all obstructions to automotive and pedestrian traffic, and restore the public right-of-way on Perdido and South White Streets prior to receiving a certificate of use and occupancy for the new Templeman III & IV facility from the Department of Safety and Permits. This proviso may be amended upon written recommendation by the Mayor after meeting with stakeholders and experts.

9. The applicant shall submit a phasing plan showing that, upon demolition of South White Street women's housing facility and relocation of the tilapia farm, Ring Road shall be extended to a secure gate on Poydras Avenue under the South Broad Street viaduct.

10. The applicant shall secure approval of revised site plans by the New Orleans Fire Department, regarding the following building code specification, and submit approved revised site plans to the City Planning Commission:

- a. Widening of Ring Road to a minimum width of 20 feet.
- b. Improvement of Ring Road roadbed to meet fire lane specifications, subject to additional review and approval by the Department of Public Works.
- c. Installation of approved Fire Department Connections where necessary so that no portion of any proposed building is further than 300 feet from a Connection.
- d. Specifications on hose outlet size and threading, subject to additional review and approval of the Sewerage and Water Board.
- e. Location of an adequate turn-around of minimum 50 foot radius at any point where Ring Road dead-ends and is further than 100 feet from a dedicated street.

11. The applicant shall submit detailed landscape plans prepared by a licensed Louisiana landscape architect indicating the items listed below. The landscape plan shall be subject to final approval by City Planning Commission staff and by the Department of Parks and Parkways for any proposed planting within a public right-of-way.

- a. Landscaping improvements within the proposed parking lot, on islands, medians and along perimeter ground not improved with asphalt paving.
- b. Shade-plantings along the Perdido Street side of the Intake and Processing Center sallyport, between the building and the sidewalk as space permits, providing a planting bed of not less than two (2) feet.

c. The genus, species, size, location, quantity and irrigation of all proposed plant materials within both the common areas and the street rights-of-way within the site, with applicable remarks and details.

d. There shall be aesthetic tree plantings subject to the approval of the Department of Parks and Parkways along Tulane Avenue, Broad Street and South Jefferson Davis Parkway.

12. The applicant shall submit a revised site plan showing additional green space of a sizable concentration within the Correctional Complex that can be used as an outdoor recreation area for inmates. This proviso may be amended upon written recommendation by the Mayor after meeting with stakeholders and experts.

13. The applicant shall install a continuous opaque concrete perimeter wall twelve (12) feet in height along Perdido Street and I-10 that matches the dimension and style of the existing concrete walls.

14. The applicant shall either modify the location of dumpster berths or provide visual screening as part of the site design so that the Trash Dock at the rear of the Kitchen/Warehouse/Plant will not be visible from the public right-of-way.

15. The applicant shall provide to the City Planning Commission a litter abatement program letter, inclusive of the stated location of litter storage, the type and quantity of trash receptacles, the frequency of litter pickup by the Department of Sanitation or a contracted trash removal company, and the clearing of all litter from the sidewalks and street rights-of-way. The name and phone number of the owner/operator of the development shall be included in this letter to be kept on file in case of any violation.

16. The applicant shall submit a detailed signage plan indicating:

a. The location, text and dimension of all signs posted around the perimeter of the petitioned site or which are visible to the public.

b. Which signs will be illuminated and specifications for said signs.

112 17. The applicant shall submit a lighting plan for the petitioned site for review and approval by the
113 staff of the City Planning Commission and the Department of Public Works.

114 18. All proposed curb cuts shall require the approval of the Department of Public Works. All curbs
115 and sidewalks along the Perdido Street frontage shall be replaced and any existing and unused curb cuts
116 along either street frontage shall be restored. Approval of plans for such reconstruction shall be secured
117 from the Department of Public Works.

118 19. The Sheriff's department shall restrict loading dock activity at night, so that no truck deliveries or
119 trash collection occurs between the hours of 10:00 p.m. and 6:00 a.m.

120 20. The applicant shall secure the approval of the Department of Public Works for the following:

- 121 a. the location and construction of all proposed curb cuts and the restoration of
122 any existing curb cuts that are not to be utilized as part of the development;
- 123 b. the replacement or restoration of all sidewalks adjacent to and across a street
124 from the site as deemed necessary;
- 125 c. the installation of vertical curbs along all street frontages adjacent to the
126 site;
- 127 d. the installation of all subsurface drainage for the proposed development; and
- 128 e. a traffic impact analysis for the proposed development, including any
129 mitigation measures deemed necessary should significant adverse impact to
130 the transportation system be determined by the Department of Public Works
131 to be likely to occur as a result of the proposed development.

132 21. Upon the issuance of a certificate of use and occupancy by the City of New Orleans for the new
133 Inmate Process Center and Housing Units building, the applicant shall demolish the eight existing tent
134 prison structures and shall restore the existing off-street parking lot upon which they are located to use as
135 one hundred forty-seven (147) parking spaces. At that time, the applicant shall further establish fifty-nine

(59) off-street parking spaces within three hundred (300) feet of the site in accordance with the provisions of Article 15, Section 15.2.4 *Joint Use of Off-Site Facilities* of the Comprehensive Zoning Ordinance. The applicant shall secure the approval of the staff of the City Planning Commission for the design of the parking lot, including all fencing and landscaping, prior to its construction. The applicant shall apply for an extension of this condition in accordance with the procedures for amending a conditional use if such parking will not be provided within five (5) years from the date of final approval of this conditional use.

22. The applicant shall work with the Sewerage and Water Board as necessary for the retention or relocation of any sewer or water lines affected by the proposed development.

23. The Mayor may provide a written recommendation to the City Council after convening meetings with stakeholders and experts.

SECTION 3. Whoever does anything prohibited by this Ordinance or fails to do anything required to be done by this Ordinance shall be guilty of a misdemeanor and upon conviction shall be subject to a fine or to imprisonment or both, such fine and/or imprisonment set by Section 1-13 of the 1995 Code of the City of New Orleans, or should alternatively be subject to whatever civil liabilities, penalties or remedies the law may prescribe. Conviction shall be cause for the immediate cancellation of the Use and Occupancy permit of the premises.

SECTION 4. This ordinance shall have the legal force and effect of authorizing this conditional use only after all the provisos listed in Section 1 of this Ordinance which impose a one-time obligation have been completely fulfilled and complied with, and only after all the provisos listed in Section 1 which impose a continuing or on-going obligation shall have begun to be fulfilled, as evidenced by the Planning Commission's approval of a final site plan, on or before one year from the date of adoption of this ordinance, (which shall be incorporated into this ordinance by reference) and its subsequent recordation, and no use or occupancy certificates or permits (other than the building permits needed to fulfill the provisos) shall be issued until all the provisos which impose a one-time obligation have been completely

9 fulfilled and complied with, and only after all the provisos listed in Section 1 which impose a continuing

10 or ongoing obligation shall have begun to be fulfilled, as evidenced by the Planning Commission's
11 approval of a final site plan (which shall be incorporated into this ordinance by reference) and its
12 subsequent recordation.

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS_____

PRESIDENT OF THE COUNCIL

DELIVERED TO THE MAYOR ON_____

APPROVED:
DISAPPROVED:_____

MAYOR

RETURNED BY THE MAYOR ON_____ **AT** _____

CLERK OF COUNCIL

ROLL CALL VOTE:

YEAS:

NAYS:

ABSENT: